

REMARKS

In response to the Office Action dated 21 June 2004, Applicant respectfully submits this Amendment. Reconsideration and reevaluation of the application, as amended, is respectfully requested.

At page 2 of the Office Action, the Examiner rejected claims 1 through 4, 9 through 11, 19 through 21, and 24 under 34 U.S.C. § 102(b) as being anticipated by McNary et al. (US 3,918,379). Additionally, at page 2, the Examiner rejected claims 1 through 4, 9 through 11, 19 through 21 under 35 U.S.C. § 102(b) as being anticipated by Hunsucker or Geijn or Vincken et al. or Elliston or Spink or Petty et al. or Gleditsch (US 2,995,900; 3,421,581; 3,681,928; 4,200,054; 4,362,438; 4,934,870; 6,343,893).

At page 3, the Examiner rejected claims 5 through 8, 12 through 18, 22 and 23 under § 103(a) as being unpatentable over McNary in view of Bromell et al. or Thory (US Re27,261; 5,846,028). Also, at page 3, the Examiner rejected under § 103(a) as being unpatentable over Hunsucker or Geijn or Vincken et al. or Elliston or Spink or Petty et al. or Gleditsch in view of Bromell et al or Thory (US Re27,261; 5,846,028). At page 4, the Examiner rejected claims 17 and 18 under § 103(a) as being unpatentable over Hunsucker or Geijn or Vincken et al. or Elliston or Spink or Petty et al. or Gleditsch in view of Bromell et al. or Thory as applied to claim 16 above, and further in view of Denison et al. or Pollack (US 4,557,332; 5,542,783). Lastly, claim 24 was rejected under § 103(a) as being unpatentable over Hunsucker or Geijn or Vincken et al. or Elliston or Spink or Petty et al. or Gleditsch in view of Denison et al or Pollack.

Regarding the McNary et al. patent, Applicant points out that McNary does not teach the use of a frame member and a deck that is slidably attached to said frame member, wherein the

deck is attached to the riser, and the frame member is attached to a spacer and the spacer is attached to the floating platform. As noted at page 11 of Applicant's specification, the spacer structure 112 is modular, and therefore a number of spacer structures can be stacked one on top of the other depending on the height required. In other words, different platforms, or perhaps different wells on a platform, will require different working heights. Applicant's modular design allows the stacking of these spacer structures to meet the specific requirements for the well intervention work. Applicant further points out that McNary does not teach energizing means for energizing the cylinder member so that the cylinder extends from the piston thereby moving the frame member.

Regarding the Hunsucker patent, Applicant notes that when actual drilling operations are ongoing, the structure is not a "floating" platform. Instead, the barge floats to the location, and then the structure sets on the sea floor (See column 6, line 25 of Hunsucker). Additionally, Hunsucker does not allow the modularity as taught by Applicant's present invention.

Regarding Bromell et al, Applicant notes that Bromell is directed toward the use of a gimbal table (See column 5, lines 1 et seq.). Additionally, the tower 17 (see Fig. 1) will move up and down according to the teachings of Bromell et al. The tower is not connected to the drill string 26. In Applicant's present invention, the deck 50 is connected to the marine riser; additionally, Applicant's deck 50 is capable of attaching a well intervention component such as a track stack member 80. As set out in claim 1, Applicant has a spacer attached to the floating platform and a frame member is attached to the spacer. The deck is slidably attached to the frame member.

The Thory '028 patent teaches use of pressure cylinders that are attached to the marine risers; Applicant's pressure cylinders are connected to the frame and to the deck. Additionally,

as pointed out earlier, Applicant's deck is attached to the marine riser.

Applicant notes that independent claims 1, 9, and 19 have been amended. Applicant respectfully submits that with reference to the obviousness rejections under 35 U.S.C. § 103(a), there must be a basis in art for combining or modifying references. As set out in the MPEP § 2143.01, the mere fact that a reference can be combined or modified does not render the resultant combination obvious unless the prior art also suggest the desirability of the combination. Most, if not all inventions arise from a combination of old elements. Thus every element of the claimed invention may often be found in the prior art. However, identification in the prior art of each individual part claimed is insufficient to defeat patentability of the whole claimed invention. Rather, to establish obviousness based on a combination of the elements disclosed in the prior art, there must be some motivation, suggestion or teaching of the desirability of making the specific combination that was made by the applicant. (See *In Re. Kotzab*, 217 F.3d 1365, 55 USPQ 2d 1313 (Fed. Cir. 2000).

Applicant respectfully submits, therefore, the unique arrangement of having a spacer attached to the floating platform, a frame member that is attached to the spacer, a deck that is slidably attached to the frame member, wherein the riser extends through the deck. The deck is attached to the riser, along with moving means for moving the frame member relative to the deck, as presently set out in the independent claims 1, 9, and 19. Applicant respectfully submits that this combination is not taught nor suggested by the prior art. In fact, Applicant respectfully submits that the prior art teaches away from Applicant's use of a deck slidably attached to a frame member, and wherein the deck is attached to the marine riser, which remains stationary during the operations, and the frame member is attached to a spacer which in turn is attached to the floating platform. As set out in the specification at page 5, Applicant's present invention allows for the modular design of components on a well undergoing well intervention remedial

well work. Additionally, the present invention allows the ability to build the height needed for specific well applications by simply stacking spacers one on top of the other, a feature which can not be accomplished in the prior art.

In light of the amendment and remarks, Applicant submits that the independent claims (claims 1, 9, and 19) are now in position for allowance. Additionally, the remaining dependent claims, namely claims 4, 5, 6, 7, 8, 12, 13, 14, 15, 16, 17, 18, 21, 22, 23, and 24, are now in position for allowance. Allowance at an early date is respectfully submitted. If the Examiner has any further objections, rejections or other comments, the Examiner is kindly requested to contact the undersigned.

Respectfully Submitted,

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Date



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